

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
GAINESVILLE DIVISION

IN RE: :
RSTZ TRANSPORT INC : CHAPTER 11
Debtor. : CASE NO. 25-20123-JRS

NOTICE OF PLEADING, DEADLINE TO OBJECT AND FOR HEARING

Debtor, **RSTZ Transport Inc**, though its legal counsel, has filed an Objection to Proof of Claims 5 and 18 filed by QFS Capital LLC. Pursuant to Third Amended and Restated General Order No. 24-2018, the Court may consider this matter without further notice or a hearing if no party in interest files a response or objection within ***thirty (30) days, or another time set by Bankruptcy Rules or Local Rules*** from the date of service of this notice. **If you object to the relief requested in this pleading, you must timely file your objection with the Bankruptcy Clerk at U.S. Bankruptcy Court, 121 Spring Street, S.W., Room 201, Gainesville, Georgia 30501 and serve a copy on the movant's attorney, at 363 Lawrence Street, Marietta, GA 30060 and any other appropriate persons by the objection deadline. The response or objection must explain your position and be actually received by the Bankruptcy Clerk within the required time.**

A hearing on the pleading has been scheduled for the ***5th day of June 2025***. The Court will hold a hearing on the **Motion** at **10:30 A.M. on June 5, 2025** in **Courtroom 103 U.S. Courthouse, 121 Spring Street, S.W., Gainesville, Georgia 30501**, which may be attended in person or via the Court's Virtual Hearing Room. You may join the Virtual Hearing Room through the "Dial-in and Virtual Bankruptcy Hearing Information" link at the top of the homepage of the Court's website, www.ganb.uscourt.gov, or the link on the judge's webpage, which can also be found on the Court's website. Please also review the "Hearing Information" tab on the judge's webpage for further information about the hearing. You should be prepared at the hearing via video, but you may leave your camera in the off position until the Court instructs otherwise. Unrepresented persons who do not have video capability may use the telephone dial-in

information on the judge's webpage.

If an objection or response is timely filed and served, the hearing will proceed as scheduled. **If you do not file a response or objection within the time permitted, the Court may grant the relief requested without further notice and without holding the scheduled hearing** provided that an order approving the relief requested is entered at least one business day prior to the scheduled hearing. If no objection is timely filed, but no order is entered granting the relief requested at least one business day prior to the hearing, the hearing will be held as scheduled.

Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. If you do not have an attorney, you may wish to consult one.

This 28 day of April 2025


/s/ IAN M. FALCONE
Ian M. Falcone
GA BAR NO. 254470
Attorney for Debtor

THE FALCONE LAW FIRM, PC
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OBJECTION TO ALLOWANCE OF CLAIM
FILED BY QFS CAPITAL LLC (CLAIM #5 and #18)

PLEASE TAKE NOTICE that the debtor in possession, by its attorney, hereby objects to the allowance of the claim of QFS CAPITAL LLC, 7901 4th Street N, Ste 13070, St Petersburg, FL 33702 ("Claimant") in the amount of \$260,638.76 (Claim #5 on Debtor's Claim Register maintained by the Bankruptcy Clerk) and \$333,946.30 (Claim #18 on Debtor's Claim Register maintained by the Bankruptcy Clerk) on the ground(s) that:

1. On January 31, 2025, Debtor filed this Chapter 11 case.
2. At the time of filing, the following parties had filed an unexpired UCC-1 against the Debtor:

<u>DATE</u>	<u>SECURED PARTY</u>	<u>UCC NUMBER</u>	<u>AMOUNT</u>
2018.01.04	Riviera Finance of TX	038-2018-000186 (continuation filed 2.8.2022 038-2022-025689) 201842641440 (MA)	\$ 559,417.48
2020.04.22	Amur Equipment Finance	028-2020-000598	\$ 0.00
2020.06.01	US Small Business Admin	202065280470 (MA)	\$710,697.00
2020.06.17	ENGs Commercial Finance	007-2020-007462	Not Cash Collateral
2020.10.04	PNC Equipment Finance	007-2020-049356	Not Cash Collateral
2024.02.08	Leaf Capital Funding	007-2024-006508	\$0.00
2021.04.15	Navitas	038-2021-009419	Not Cash Collateral
2021.06.11	Mercedes Benz Financial Svcs	202178143110 (MA)	Not Cash Collateral

2022.01.24	Daimler Truck Finance	007-2022-03624	Not Cash Collateral
2022.04.19	ENGs Commercial Finance	007-2022-021749	Not Cash Collateral
2022.04.29	Amur Equipment Finance	038-2022-015177	Not Cash Collateral
2022.06.26	Navitas	038-2022-024586	Not Cash Collateral
2023.02.23	UniVest Capital inc	202398001340 (MA)	Not Cash Collateral
2023.03.06	Navitas	038-2023-004999	Not cash collateral
2023.03.16	ENGs Commercial Finance	007-2023-012930	Not cash collateral
2024.01.05	Amur Equipment Finance	038-2024-000512	\$0.00
2024.07.011	The Smarter Merchant	202411737960 (MA)	\$27,325.00
2024.09.25	Ocean State Oil	2024-310-65300 (RI)	Not cash Collateral
2024.12.06	QFS Capital LLC	202415489450 (MA)	\$268,786.00
2024.12.16	Forward Financing	202415746490 (MA)	\$41,825.00

3. At the time of filing, the Debtor generated approximately \$522,500.00 per month in income.
4. At the time of the filing, Debtor had \$20,045.00 in its bank accounts.
5. Riviera Finance of Texas, which was owed approximately \$559,000.00 at the time of filing, has a first priority security interest in “accounts, accounts receivable, deposit accounts, contract rights, chattel paper, documents, instruments, reserves, reserve accounts, rebates and general intangibles . . .” pursuant to its UCC-1 filed on 3.10.2014 (038-2014-002092) and UCC-1 filed on 1.4.2018 (038-2018-0186) with a continuation filed on 8.8.2022 (038-2022-25689).
6. Amur Equipment Finance (Corporation Services Company, as agent) may assert a second priority security interest pursuant to its UCC-1 filed on 4.22.2020 (028-2020-000598). However, Debtor asserts that this creditor was paid in full and is no longer owed any funds.
7. The US Small Business Administration, which was owed approximately \$710,697.00 at the time of filing, has a third priority security interest in “inventory, equipment,

instruments, including promissory notes, chattel paper, including tangible chattel paper and electronic chattel paper, documents, letter of credit rights, accounts, including health-care insurance receivables and credit card receivables, deposit accounts . . . " pursuant to its UCC-1 filed in MA on 6.1.2020 (202065280470).

8. Leaf Capital Funding may assert that it has a fourth priority security interest pursuant to its UCC-1 filed on 2.8.2024 (007-2024-006508). However, Debtor asserts that this creditor was paid in full and is no longer owed any funds.
9. Amur Equipment Finance (Corporation Services Company, as agent) may assert a fifth priority security interest pursuant to its UCC-1 filed on 2024.1.5 (038-2024-000512). However, Debtor asserts that this creditor was paid in full and is no longer owed any funds.
10. The Smarter Merchant (VState Filings, as agent), which was owed approximately \$27,325.00 at the time of filing, may assert a sixth priority security interest pursuant to its UCC-1 filed in MA on 7.11.2024 (202411737960).
11. QFS Capital LLC, which was owed approximately \$268,786.00 at the time of filing, has a seventh priority security interest in "all accounts, accounts receivable and deposit accounts . . ." pursuant to its UCC-1 filed in MA on 2024.12.6 (202415489450).
12. On or about February 19, 2025, Claimant filed a Proof of Claim in the secured amount of \$260,638.76. ("Claim #5")
13. On or about April 8, 2025, Claimant filed a Proof of Claim in the secured amount of \$333,946.30. ("Claim #18")
14. Claim #18 did not have any supporting documentation attached.
15. Debtor believes that Claim #5 and Claim #18, although they claim different amounts, are duplicate claims.
16. Claimant's claim is fully unsecured.
17. Claimant's Claim #18 should be denied in its entirety as a duplicate claim.
18. Claimant's Claim #5 should be deemed fully unsecured.

WHEREFORE, Debtor prays that:

- a) Claimant's Claim in the amount of \$333,946.30 (Claim #18) be denied in its entirety.
- b) Claimant's Claim in the secured amount of \$260,638.76 (Claim #5) be deemed fully unsecured.

Dated April 28 2024


/s/ IAN M. FALCONE

Ian M. Falcone
Georgia Bar No. 254470
Attorney for Debtor

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CERTIFICATE OF SERVICE

This is to certify that on the date stated below, I electronically filed the foregoing **OBJECTION TO ALLOWANCE OF CLAIM FILED BY QFS Capital LLC (CLAIM #5 and #18)** with the Clerk of Court using the CM/ECF system, which sends a notice of the filing and an accompanying link to the document to the parties or attorneys of record. I have also on this day caused a copy of the pleading to be placed in the first-class United States mail, postage prepaid, addressed to the following recipients not participating in the CM/ECF system as follows:

QFS Capital LLC
7901 4th Street N, Ste 13070
St Petersburg, FL 33702

RSTZ Transport Inc
4110 Balsam Bark Drive
Cumming, GA 30028

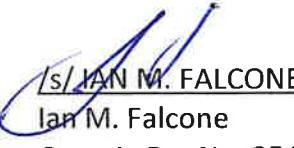
Ariel Bouskila
Berkovitch & Bouskila
1545 Route 202, Ste 101
Pomona, NY 10970

QFS Capital LLC
c/o Aubrey Thrasher LLC
3050 Peachtree Road, Ste 240
Atlanta, GA 30305

Jason Khano, Esq
c/o Aubrey Thrasher LLC
3050 Peachtree Road, Ste 240
Atlanta, GA 30305

QFS Capital LLC
c/o Benjamin Hinke, Manager
2782 Harbor Rd
Merrick, NJ 11566

This 28 day of April 2024


/s/ IAN M. FALCONE
Ian M. Falcone
Georgia Bar No. 254470
Attorney for Debtor

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